

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JUN 29 2005

CLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)

v.)

MARK EDWARD ELLIOTT)

CR. NO. 2:05CR159-F
[18 USC 922(g)(1)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about December 10, 2003, in Autauga County, within the Middle District of Alabama,

MARK EDWARD ELLIOTT,

defendant herein, having been convicted of the following offenses, both felonies punishable by imprisonment for a term exceeding one year under the laws of the State of Alabama:

- (a) on or about January 27, 1995, of Possession of a Controlled Substance in the Circuit Court of Autauga County, Alabama, Case No. 94-240, and
- (b) on or about February 1, 1995, of Possession of Marijuana (1st Degree) in the Circuit Court of Elmore County, Case No. 94-303,

did knowingly possess in and affecting commerce a firearm, to-wit, a Norinco (North China Industries) Model 213, 9 mm semi-automatic pistol, serial number 309853, in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION

A. Count 1 of this indictment is hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 922(g)(1), as alleged in Count 1 of this indictment, the defendant,

MARK EDWARD ELLIOTT,

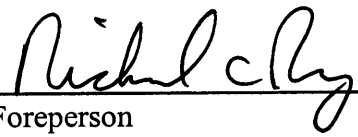
shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following: a Norinco (North China Industries) Model 213, 9 mm semi-automatic pistol, serial number 309853.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant

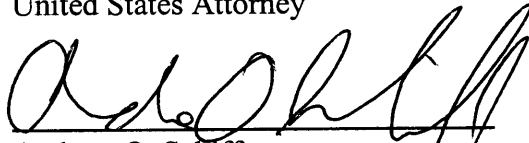
1. cannot be located upon the exercise of due diligence;
2. has been transferred and sold to, and deposited with a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be divided without

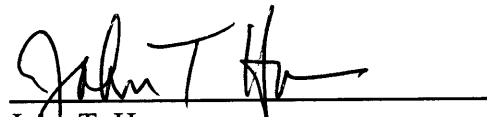
difficulty; the court shall pursuant to Title 21, United States Code, Section 853 as incorporated by Title 28, United States Code, Section 2461(c), order the forfeiture of any other property of the defendant up to the value of any property described in paragraph B above. All in violation of Title 18, United States Code, Sections 922(g) and 924(d).

A TRUE BILL:


Foreperson


LEURA GARRETT CANARY
United States Attorney


Andrew O. Schiff
Assistant United States Attorney


John T. Harmon
Assistant United States Attorney